

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RANDY W. NICHOLS, #117491,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:07-CV-287-MEF
)	
ALA. DEPT. OF CORRECTIONS, et al.,)	
)	
Defendants.)	

ORDER

A review of the complaint filed in this case reveals that the plaintiff lists the Alabama Department of Correction and Easterling Correctional Facility as the only defendants in this cause of action. The Alabama Department of Corrections is a state agency absolutely immune from suit. *Papasan v. Allain*, 478 U.S. 265 (1986). Additionally, the Easterling Correctional Facility is not a legal entity subject to suit or liability under 42 U.S.C. § 1983. *See Dean v. Barber*, 951 F.2d 1210, 1214 (11th Cir. 1992). Thus, the plaintiff has failed to name a proper defendant in his complaint. Accordingly, it is

ORDERED that on or before May 7, 2007 the plaintiff shall file an amended complaint which:

1. Names those individuals who are responsible for the alleged violations of his constitutional rights with respect to the disciplinary lodged against him during his confinement at the Easterling Correctional Facility for attempt to escape.
2. Specifically describes how each named defendant violated his constitutional rights.

3. Contains a copy of the disciplinary report filed against him for attempt to escape.

In responding to this order, the plaintiff must set forth **short and plain statements** showing why he is entitled to relief. Each allegation in the pleading should be simple, concise and direct. *See* Rule 8, *Federal Rules of Civil Procedure*. The plaintiff is advised that this case will proceed only against those defendants named and the claims presented in the amended complaint. The plaintiff is further advised that if he seeks to challenge the conditions of his present confinement and the medical treatment provided to him at the Holman Correctional Facility he may do so by filing a separate 42 U.S.C. § 1983 complaint in the United States District Court for the Southern District of Alabama.

The plaintiff is cautioned that if he fails to comply with the directives of this order the Magistrate Judge will recommend that this case be dismissed.

Done this 20th day of April, 2007.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE